

# Fund For Brownfield Projects Filing Statement

Legislative Review Of Adopted Regulations As Required  
By Administrative Procedures Act, NRS 233B.066

Petition 2004-19 (LCB File R-084-04)  
**State Environmental Commission**

## **The following statement is submitted for adopted amendments to Nevada**

**Administrative Code.** This regulation governs the administration of a Brownfields Cleanup Revolving Loan Fund. The proposed regulation, drafted pursuant to NRS 459.892, has been developed to outline the application requirements for the revolving loan fund.

### **1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

The Nevada Division of Environmental Protection (NDEP), Bureau of Corrective Actions held workshops on the new regulations governing the operation of the Brownfields Cleanup Revolving Loan Fund at the following locations.

May 11, 2004 – 11:00 AM Mineral County Library 110 First St. Hawthorne, Nevada	May 12, 2004 – 3:00 PM Nevada Division of Environmental Protection Conference Room 217 123 West Nye Lane Carson City, Nevada	May 13, 2004 – 4:00 PM Nevada Department of Wildlife Conference Room 60 Youth Center Road Elko, Nevada	May 14, 2004 – 9:00 AM Nevada Division of Environmental Protection 1771 East Flamingo Road, Suite 121A Las Vegas, Nevada
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In these workshops NDEP officials explained how competitive grant funding received from the US Environmental Protection Agency (US EPA) would be used to administer a Revolving Loan Fund for environmental cleanups conducted at Brownfield sites in the State of Nevada. Brownfield sites, as defined in the federal “Small Business Liability Relief and Brownfields Revitalization Act,” mean real property, the expansion, redevelopment, or reuse of which may be complicated by the presence of a hazardous substance, pollutant, or contaminant. It was explained that funds awarded to the NDEP would be used to make low-interest loans to individuals or municipalities for the cleanup of these sites.

The proposed regulation for the loan fund was also noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates – July 19, July 26 and August 9, 2004. The public was subsequently mailed a public notice and meeting agenda for the SEC hearing; the SEC mailing list was used for both mailings.

At the SEC hearing, there were no public oral comments received by the Commission during the adoption of the referenced regulation.

**2. The number persons who:**

- (a) **Attended August 19, 2004 hearing;** 30
- (b) **Testified on this Petition at the hearing:** 1 (NDEP Staff)
- (c) **Submitted to the agency written comments:** None

**3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

See # 1 above

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was adopted by the State Environmental Commission (SEC) on August 19, 2004 with the following changes.

Staff from NDEP requested that the SEC strike **section 1 and 2** from the regulation. Its was noted that section 1 and 2 were inadvertently included in the drafting process by the Legislative Counsel Bureau (LCB) and that these sections were unnecessary. Prior to the SEC meeting, staff from LCB did concur with NDEP that section 1 and 2 were in fact unnecessary.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.**

The proposed regulation will not have any negative economic impacts, either immediate or long term, on the regulated industry. The regulation is intended to off-set the cost of environmental cleanups at contaminated sites to allow for redevelopment or reuse of property. The revolving loan fund will have beneficial economic impacts on property owners and local communities. Loan funds are intended to put underutilized properties back into productive use, thereby increasing tax revenues and employment opportunities.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There will be no additional costs to the agency for enforcement of this regulation. NDEP has entered into an agreement with a private fund manager to administer the revolving loan fund program. Administrative fees are being paid for out of the competitive grant received from the US EPA. Any additional costs to NDEP to oversee the loan and grant program will be paid for with federal funds from the "Small Business Liability Relief and Brownfields Revitalization Act."

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulation does not overlap or duplicate any regulations of other state or government agencies.

**8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The regulation is no more stringent than what is established by federal law.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No fees will be generated from this regulation

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